

### **REMARKS**

1. Applicant thanks the Examiner for his findings and conclusions.
2. It should be appreciated that Applicant has elected to amend Claims 1, 5, 14-17, 23, and 36-39 solely for the purpose of expediting the patent process in a manner consistent with the PTO's Patent Business Goals, 65 Fed. Reg. 54603 (9/8/00). In making such amendments, Applicant has not and does not in any way narrow the scope of protection to which the Applicant considers the invention herein entitled. Rather, Applicant reserves Applicant's right to pursue such protection at a later point in time and merely seeks to pursue protection for the subject matter presented in this submission.

#### **Hilton Davis / Festo Statement**

The amendments herein to Claim 1, 14-17, 23, and 36-39 were not made for any reason related to patentability. Claims 1, 17, 23, and 39 were amended to clarify the invention. Claim 17 and 39 were further amended and Claims 14-16 and 36-38 were amended and to conform with standard claim drafting practices. All of the above listed amendments were made for reasons other than patentability.

3. Claims 1 and 23 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claims the subject matter that the Applicant regards as the invention.

#### **Claim 1**

The Examiner states that the clause "simultaneously displaying links" is a relative term, which renders the claim indefinite. Respectfully, the Applicant disagrees. The Applicant can find no "relative" term in the cited clause. A relative term compares two or more items. For example, item A is (hotter, longer, or taller)

than item B. No relative term exists in the cited clause. Further, the term simultaneously is well defined and known. Dictionary.com defines simultaneous as "existing, occurring, or operating at the same time" and defines the related adverb form of simultaneously as "at the same instant". Indeed, by definition items occurring at the same instant are not "relative" to each other. In the context of Claim 1, the clause is used as:

using metadata thus obtained to present a user's personal browser history in a screen display simultaneously displaying links to all of:

- a personalized Web favorites list;
- a time-based history; and
- a category based hierarchy.

From the claim language, it is clear that the screen displays simultaneously, at the same instant in time, all of the favorites list, history, and hierarchy. Accordingly, the current rejection of Claim 1 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claims the subject matter that the Applicant regards as the invention is deemed to be improper. If the Examiner persists in the above cited rejection, the Examiner is respectfully requested to explain what term is "relative" and thus not distinctly claimed.

The Applicant amends Claim 1 to clarify the invention by requiring that the screen display simultaneously displays at a single instant in time links to all of: the personalized Web favorites list, the time-based history, and the category based hierarchy. As previously identified in the response filed September 18, 2007, support for the amendment is found in the application as filed at least within Figures 3 and 4 and at page 3, lines 11-24. Further support is provided, *supra*, in the provided dictionary definition of the term simultaneously.

Claim 23

The Examiner objects to the clause "establishing a new category" as being a relative term that is not defined by the claim. The Applicant amends Claim 23 to clarify that the new category is a category not previously defined within a category based hierarchy of the user's personal browser history. Further, the Applicant amends Claim 23 to clarify that the new category is a subcategory of the category based hierarchy. Support for the amendment is found at least in the last line of the abstract, in the last line of the summary of the invention section, within Figure 6, and in the first paragraph of the Detailed Description of the Invention section. As amended the clause of "establishing a new category" is deemed to be both particularly pointed out and distinctly claimed. Accordingly, the current rejection of Claim 23 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claims the subject matter that the Applicant regards as the invention is deemed to be overcome.

Claims 17 and 39

The Examiner objects to the clause "might be worth" in Claims 17 and 39. The Applicant amends both Claim 17 and Claim 39 to remove the clause "might be worth". Accordingly, the current rejection of Claims 17 and 39 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claims the subject matter that the Applicant regards as the invention is deemed to be overcome.

3. Claims 1-4, 23-26, and 45 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent no. 7,080,139 (hereinafter "Briggs) in view of U.S. patent no. 6,839,690 (hereinafter "Liu").

A call to the Examiner confirmed that the cited patent number for Liu should have been 6,839,680. The Applicant proceeds in prosecution with this verbal correction.

#### Claims 1-4

Respectfully, the Applicant disagrees. Under MPEP 706 it is stated that "the goal of examination is to clearly articulate any rejection early in the prosecution process so that the applicant has the opportunity to provide evidence of patentability and otherwise reply completely at the earliest opportunity." The Examiner cites Liu at Figure 16, step 108 as teaching the required Claim 1 limitation of "simultaneously displaying links to all of:". Respectfully, Figure 16, step 108 is merely an illustration of a computer monitor. Within the specification of Liu, Liu starting at column 62, line 63 refers to element 108 as "the many web clients 108" and goes on in column 63 to teach (a) adjusting time stamps, (b) ignoring short term activities, and (c) aggregating web services. The Applicant cannot see any relation between element 108 of Liu and the required claim limitation. Further Claim 1 requires that the simultaneous display is of links to a personalized Web favorites list; a time-based history; and a category based hierarchy. The Examiner states that Liu a personalized Web favorites list at column 16, lines 59-61, a time-based history at column 4, lines 32-39, and a category based hierarchy at column 9, lines 39-41. However, these elements are taught within discrete and separate sections of Liu. There is no suggestion within Liu that these elements or links to these elements are simultaneously displayed. The Examiner admits Briggs does not teach this claim element. Hence, not all of the required elements are taught by the combination of Briggs and Liu. Accordingly, the current rejection of Claim 1 and all claims dependent therefrom under 35 U.S.C. 103(a) as being unpatentable over Briggs in view of Liu is deemed to be improper.

Claims 23-26

As to Claim 23, the Applicant respectfully disagrees. Not all of the required elements of Claim 23 are addressed by the Examiner. The Examiner comments on Claims 1 and 23 in a single section. The claim language reviewed is that of Claim 1. Claim 23 contains claim elements not present in Claim 1 that are never addressed by the Examiner. Particularly, Claim 23 requires the use of metadata to “establish a new category ... using said metadata”. No citation of Liu or Briggs teaching the required claim language of establishing a new category is provided by the Examiner. Under MPEP 706 it is stated that “the goal of examination is to clearly articulate any rejection early in the prosecution process so that the applicant has the opportunity to provide evidence of patentability and otherwise reply completely at the earliest opportunity.” The Examiner is requested to explain his rejection of Claim 23 citing sections of Briggs and Liu that teach the required Claim 23 element of: “means for using metadata thus obtained to establish a new category ...using said metadata of said user visited URLs”. This request is respectfully made so that the Applicant can respond to the rejections in order to further the patent prosecution of the pending application. However, as not all of the elements of Claim 23 are address by the Examiner, the current rejection of Claim 23 and all claims dependent therefrom under 35 U.S.C. 103(a) as being unpatentable over Briggs in view of Liu is deemed to be improper.

Further, as addressed in relation to the 35 U.S.C. § 112, second paragraph, rejection addressed, *supra*, Claim 23 was amended to further clarify that the new category by amending Claim 23 to contain the claim limitation of:

means for using metadata thus obtained to: establish a new category not previously defined within a category based hierarchy of a user's personal browser history using said metadata of said user visited URLs.

Neither Briggs nor Liu teach or suggest use of metadata to “establish a new category not previously defined within a category based hierarchy of a user's personal browser history”. Accordingly, the current rejection of Claim 23 and all

claims dependent therefrom under 35 U.S.C. 103(a) as being unpatentable over Briggs in view of Liu is deemed to be overcome.

#### Claim 45

The Applicant cancels Claim 45 from the application.

4. Claims 5-17 and 27-39 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent no. 5,761,436 (hereinafter "Nielsen") in view of Liu.

#### Claim 5

The Applicant amends Claims 5 and 27 to distinguish Claims 5 and 27 from the cited art and to further clarify the invention. First, the Applicant amends the preamble to clarify that the categorized Web browsing history is for a user. Second, the Applicant amends the performing a reverse lookup clause to clarify that the reverse lookups are for websites previously visited by the user. Third, the presenting clause is amended to require an interactive user interface. Fourth, the categorize web browsing history is amended to clarify that the history is for the websites previously visited by the user. Fifth, Claims 5 and 27 are amended to further require: for a given category of previously visited web pages within the interactive user interface, the interactive user interface providing a link to the given category within a database of Web content, where the user views previously visited pages within the interactive user interface and follows a link to a wider view of similar pages through the link. Support for the amendment is found in the application as filed at least at: page 5, lines 16-19; page 3, lines 28-30; and Claim 12. Nielsen and Liu do not combine to teach an interactive user interface presenting categorized websites previously viewed by a user along with a link to a wider view of a category within a database of Web content never visited by the user. Accordingly, the current rejection of Claims 5 and 27 and all

claims dependent therefrom under 35 U.S.C. 103(a) as being unpatentable over Nielsen in view of Liu is deemed to be overcome.

5. The Applicant cancels Claims 12, 13, 34, and 35 from the application.
6. As a result of amendments to parent Claims 5 and 27 and further as a result of the cancellation of intervening claims, the Applicant amends Claims 14-17 and 36-39 to properly conform with standard claim drafting practices.
7. Claims 18-22 and 40-44 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Nielsen in view of Liu in further view of Briggs.

In view of the above described amendments to parent Claims 5 and 27, the current rejection of dependent Claims 18-22 and 40-44 under 35 U.S.C. 103(a) as being unpatentable over Nielsen in view of Liu in further view of Briggs is rendered moot.

### **CONCLUSION**

In view of the above, the Application is deemed to be in allowable condition. The Examiner is therefore earnestly requested to withdraw all outstanding rejections, allowing the Application to pass to issue as a United States Patent. Should the Examiner have any questions regarding the application, the Examiner is respectfully urged to contact Applicant's attorney at (650) 474-8400.

Respectfully submitted,



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